UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25000
21 December 1992

ORIGINAL: ENGLISH

FURTHER REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 787 (1992)

INTRODUCTION

1. The present report is submitted to the Security Council pursuant to paragraph 16 of resolution 787 (1992) of 16 November 1992 in which the Council considered that, in order to facilitate the implementation of the relevant Security Council resolutions, observers should be deployed on the borders of the Republic of Bosnia and Herzegovina, and requested the Secretary-General to present to the Council as soon as possible his recommendations on this matter.

I. TASKS ARISING FROM THE RELEVANT RESOLUTIONS

2. The question of deploying observers on the borders of Bosnia and Herzegovina is more complex than might at first appear. It has required much work, both in the United Nations Protection Force (UNPROFOR) and at Headquarters in New York, to identify options for the Security Council's consideration. The complexity derives not only from the geographical extent of the borders (some 1,100 kilometres with 123 crossing points to be taken into account, in addition to those between Bosnia and Herzegovina and the United Nations Protected Areas (UNPAs) in Croatia). It also derives from the multiplicity of tasks which could be deemed to arise from the relevant resolutions of the Council. These are as follows:

(a) Resolution 713 (1991) of 25 September 1991 which, inter alia, in paragraph 6, established a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia;

(b) Resolution 752 (1992) of 15 May 1992 which, inter alia, in paragraph 3, demanded that all forms of interference from outside Bosnia-Herzegovina, including by units of the Yugoslav People's Army (JNA) as well as elements of the Croatian Army, cease immediately, and that Bosnia-Herzegovina's neighbours take swift action to end such interference and respect the territorial integrity of Bosnia-Herzegovina;

(c) Resolution 757 (1992) of 30 May 1992 which imposed comprehensive mandatory economic sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro); and

(d) Resolution 787 (1992) which, inter alia, in paragraph 5, demanded that all forms of interference from outside the Republic of Bosnia and Herzegovina, including infiltration into the country of irregular units and personnel, cease immediately.

3. The tasks arising from resolutions 752 (1992) and 787 (1992) are reasonably clear. They would require border observers to concern themselves with all movements of regular or irregular military personnel, weapons and other military equipment and supplies from neighbouring countries into Bosnia and Herzegovina. The context of both these resolutions indicates that the Council was concerned with all forms of interference directed against the Government of Bosnia and Herzegovina. It could therefore be argued that United Nations border observers should not concern themselves with regular or irregular military personnel, weapons and other military equipment and supplies destined for the forces of the Government of Bosnia and Herzegovina. The Council would wish to clarify this point if it decided to deploy border observers. Their task would be somewhat complicated if they were required to distinguish between military persons and goods whose passage was permitted and those whose passage was not.

4. In addressing the question posed in the preceding paragraph, the Council would also wish to consider the implications of resolution 713 (1991) which imposed a complete embargo on all deliveries of weapons and military equipment to what was then Yugoslavia. The question would be whether deliveries of weapons and military equipment from one former Yugoslav republic to another should be considered violations of resolution 713 (1991). If such deliveries were considered to be violations, the border observers would have to report (and possibly prevent) all movements of weapons and military equipment out of Bosnia and Herzegovina, as well as into that Republic. However, the Council has repeatedly called for the withdrawal of foreign troops and weapons from Bosnia and Herzegovina; any resulting violation of resolution 713 (1991) could therefore be considered merely technical.

5. It would further be necessary for the Security Council to decide whether the border observers' mandate should include the task of monitoring respect for the comprehensive mandatory economic sanctions imposed by resolution 757 (1992) on the Federal Republic of Yugoslavia (Serbia and Montenegro). In my report of 27 July 1992 (S/24353) it was assumed that this task would be undertaken by the border control posts which I recommended the Council to authorize UNPROFOR to establish on the boundaries of the UNPAs, where these coincided with Croatia's borders with the Federal Republic of Yugoslavia (Serbia and Montenegro). This assumption was implicitly approved by paragraph 2 of resolution 769 (1992) of 7 August 1992. It is accordingly assumed that the mandate of border observers established on Bosnia and Herzegovina's borders with the Federal Republic of Yugoslavia (Serbia and Montenegro) would also include resolution 757 (1992) and that they would

therefore have to concern themselves with all goods crossing those borders in either direction. Almost all supplies imported by the UNPAs and by the Serb-controlled parts of Bosnia and Herzegovina are believed to come from the Federal Republic of Yugoslavia (Serbia and Montenegro) and in many cases, therefore, are violations of the ban on exports from that republic. Implementation of this part of the border observers' mandate could thus prove to be controversial.

6. As regards the number of crossing points to be monitored, the Security Council resolutions discussed above clearly require that the borders of Bosnia and Herzegovina with the Federal Republic of Yugoslavia (Serbia and Montenegro) as well as those with Croatia should be monitored. The Security Council has already, in resolution 769 (1992), authorized arrangements for UNPROFOR to control Bosnia and Herzegovina's borders with the UNPAs, though, as described in my report of 24 November 1992 (S/24848, para. 21), lack of cooperation from the local authorities in the UNPAs has so far made it impossible to put those arrangements into effect. On the basis of map studies, UNPROFOR has identified 123 additional crossing points on the rest of Bosnia and Herzegovina's borders which could be used for moving military personnel, weapons and other sanctioned goods across the border and would therefore, need to be monitored. Of these crossing points, 48 are located on the border with the Federal Republic of Yugoslavia (Serbia and Montenegro) and 75 on the border with Croatia. They include road and railway crossings, bridges, major and minor roads, and major tracks.

7. Given the nature of the terrain, it would be desirable for observers at the crossing points to be complemented by mobile ground patrols, aerial patrols and an electronic surveillance capability in order to ensure effective monitoring of the ground between the crossing points. Both the observers and the patrols would have to operate on a 24-hour basis, though limited manpower savings could be achieved by closing selected crossing points at night or even completely.

II. POSSIBLE OPERATIONAL CONCEPTS AND THEIR RESOURCE IMPLICATIONS

8. UNPROFOR has examined three operational concepts, as follows:

Option A: to observe and report;
Option B: to observe, search and report;
Option C: to observe, search, deny passage and report.

In all three cases it would be necessary to provide UNPROFOR with additional resources, as the additional mandate could not be implemented by redeploying the Force's existing resources. These are already stretched to the limit to fulfil its present mandates. An additional command, communication and logistics structure would be required to control and supply border personnel who would be deployed at widely dispersed crossing points along borders which, even excluding the UNPAs, extend for close to 1,100 kilometres in

predominantly difficult terrain. It would in particular be necessary to establish two or more sub-Headquarters in Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) which would report through cells in Belgrade and Zagreb to UNPROFOR's Headquarters.

9. The mere observing and reporting of traffic (option A) would do little to ensure respect for the relevant resolutions of the Security Council. The observers would be able to detect only the movement of major weapons systems, military vehicles and formed units of troops in uniform. They would not be in a position to determine the nature of most of the goods transported into and out of Bosnia and Herzegovina. Their presence would be largely symbolic, especially if it was decided that only selected crossing points should be monitored and/or that there should be no patrolling between them.

10. The human and material resources required would depend on the number of crossings selected for observation, the hours covered and the extent of patrolling between the crossing points. If all 123 points were covered on a 24-hour basis, the resources required would be little less than those identified for option B below.

11. In order to monitor traffic effectively, the observers would at least have to be given a mandate to search all vehicles and people crossing the border of Bosnia and Herzegovina in either direction (option B). This would enable the observers to identify violations and to lodge protests with the parties concerned. Their reports would also enable the Security Council to form a picture of the type and extent of violations and to take appropriate action. A disadvantage of this operation, however, would be that military personnel, weapons and other sanctioned goods would still be able to cross Bosnia and Herzegovina's borders. Experience to date in the former Yugoslavia has been that the public identification of violations and of those responsible for them is not enough to ensure respect for the Security Council's decisions.

12. To ensure the capacity to observe and search on a 24-hour basis, UNPROFOR would need 10 United Nations Military Observers (UNMOs) at each border crossing. For the 123 crossings, 1,230 UNMOs would thus be required, plus an additional 50 UNMOs for the above-mentioned sub-Headquarters and cells, amounting to a total of 1,280 UNMOs. An estimated 491 vehicles with mounted VHF and HF radios, 126 VHF base stations and 126 HF base stations would be required. Where existing accommodation was not available, it would be necessary to erect accommodation containers with hook-up for utilities. Likewise, food, water and other supplies would have to be provided for UNMOs deployed in areas where these items could not be purchased locally.

13. The above estimate describes the resources required for a static 24-hour observation and search operation at the 123 crossing points. If it was decided, as suggested in paragraph 7 above, that this should be complemented by electronic surveillance and/or aerial patrols, together with a capacity on the ground to react to reports from these sources in order to intercept attempts to cross the border between the crossing points, considerable additional resources would be required.

14. To be certain of the ability to ensure compliance with Security Council resolutions, it would be necessary to give UNPROFOR a mandate (option C) which would include the right not only to search but also to turn back or confiscate military personnel, weapons or sanctioned goods whose passage into or out of Bosnia and Herzegovina would be contrary to decisions of the Council.

15. For such a mandate, UNPROFOR would need the capacity to search, confiscate and deny passage at each of the 123 crossing points and to patrol for these purposes between them. For these tasks, there would be a need for infantry which would also assure a self-defence and patrolling capability at each crossing point. Again, an electronic and aerial surveillance capability would be desirable. This would imply a force of approximately 10,000 troops, including the necessary logistic, medical and engineering support. Adequate accommodation would have to be provided not only at the 123 crossing points but also at all base areas. It would be necessary to undertake an extensive upgrading and enlargement of UNPROFOR's existing logistic infrastructure.

16. For all of the above options, there could be a need for United Nations Civilian Police (UNCIVPOL) and customs officers in addition to the military personnel. There would also be a need for additional civilian affairs and administrative personnel. The present command structure of UNPROFOR would have to be reviewed in order to be able to ensure that it could cope with such an extensive addition to its mandate.

17. Options B or C, which the Force Commander believes to be the only ones likely to have a useful effect, would thus require the provision of very considerable additional resources to UNPROFOR. The question would arise of whether Member States would be able to provide and finance the elements required for a further expansion on this scale. It is significant that of the 75 UNMOs whom Member States were asked on 30 October 1992 to make available to monitor the "no-fly zone" in Bosnia and Herzegovina, only 33 had been forthcoming by 10 December 1992. Difficulties in obtaining the troops and logistic support required could lead to considerable delays in deployment. Even on optimistic assumptions about the availability of troops, it is unlikely that UNPROFOR would have an effective capability to observe Bosnia and Herzegovina's borders before April 1993, at the earliest.

III. COOPERATION OF THE PARTIES

18. The Government of Bosnia and Herzegovina has repeatedly expressed itself in favour of effective monitoring of its borders. The concept has also been agreed in principle, during and since the London stage of the International Conference on the Former Yugoslavia by the Governments of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). For a variety of political and practical reasons the Force Commander believes that it would be best for the United Nations observers to carry out their functions on the territory of the neighbouring State concerned, that is on the Croatian or Serbian/Montenegrin side of the border. The full cooperation of those States' authorities would be required, especially when non-authorized vehicles or persons were turned back by the observers.

IV. OBSERVATIONS

19. As will be apparent from the above, the Force Commander is convinced that the implementation of border controls in order to ensure compliance with the relevant resolutions of the Security Council would require a significant addition to the strength and material resources of UNPROFOR. A symbolic presence at selected crossing points would, in his view, not only fail to fulfil the Council's requirements but would also undermine the already strained credibility of UNPROFOR, which would appear to the parties and the media to be making only a token attempt at implementing its mandate. I share the Force Commander's view.

20. General Nambiar further takes the view that if this function is to be performed effectively, UNPROFOR will need the mandate and the means to patrol between the border crossing points, to search vehicles and people and to deny any movement of people or goods into or out of Bosnia and Herzegovina which would violate decisions of the Security Council. He thus favours option C. On this point too I share the Force Commander's view. If therefore the Security Council should decide that observers be deployed on the borders of Bosnia and Herzegovina, my recommendation would be that the Council should authorize an enlargement of UNPROFOR's mandate and strength on the lines described in paragraphs 14 to 16 of the present report.

21. A preliminary estimate of the costs of option C will be circulated as soon as possible as an addendum to the present report.